

United States District Court

Southern DISTRICT OF California

In the Matter of the Search of
Express Mail parcel EB 235897014 US addressed
from Victor Gonzales, 730 East Shore Terrace, Unit 4,
Chula Vista, CA 91914 to Carmen Rosario, 2550
Marion Avenue, Apt 4B, Bronx, NY.

APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT

CASE NUMBER: '08 MJ 04 22

FILED
2008 FEB 11 AM 9:27
CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY [Signature]

I, Kim A. Kelly
I am a(n) U. S. Postal Inspector
Official Title

being duly sworn depose and say:
and have reason to believe

in the Southern District of California

there is now concealed property, namely (describe the person or property) Express Mail parcel EB 235897014 US addressed from Victor Gonzales, 730 East Shore Terrace, Unit 4, Chula Vista, CA 91914 to Carmen Rosario, 2550 Marion Avenue, Apt 4B, Bronx, NY.

Controlled substances, materials, and documents reflecting the distribution of controlled substances through the United States Mail, including money paid for controlled substances, in violation of Title 21, United States Code, Sections 841(a)(1), 843(b) and 846

which is (give alleged grounds for search and seizure under Rule 41(b) of the Federal Rules of Criminal Procedure) evidence and contraband

in violation of Title 21 United States Code, Section(s) 841(a)(1), 843(b) and 846.
The facts to support the issuance of a Search Warrant are as follows:
See attached.

Continued on the attached sheet and made a part hereof.

☒ Yes ☐ No

[Signature]
Signature of Affiant

Sworn to before me, and subscribed in my presence

FEB 12 2008

Date

ANTHONY J. BATTAGLIA
U.S. MAGISTRATE JUDGE

U.S. Magistrate Judge
Name and Title of Judicial Officer

at San Diego, CA
City and State

[Signature]
Signature of Judicial Officer

AFFIDAVIT FOR SEARCH WARRANT

I, Kim Kelly, being duly sworn hereby depose and state:

1. I am a United States Postal Inspector currently assigned to the San Diego Field Office of the Postal Inspection Service and my duties include investigating crimes against the U.S. Postal Service and the use of the mail including violations of the Drug Abuse Prevention and Control Act.
2. This affidavit is submitted in support of an application for a search warrant for the following:
Express Mail parcel: EB 235897014 US, which weighs 10.14 pounds, and a Priority Mail parcel with Delivery Confirmation Number 0307 3330 0001 2676 6575. Both parcels are addressed from Victor Gonzales, 730 East Shore Terrace, Unit 4, Chula Vista, CA 91914. The Express Mail parcel is addressed to Carmen Rosario, 2550 Marion Avenue, Apt 4B, Bronx, NY and the Priority Mail parcel is addressed to Iris M. Gonzales, Las Gaviotas, Calle Veina A-6, Toa Baja, Puerto Rico, 00949 .
3. I have been a federal agent for 17 years and employed as a Postal Inspector (PI) since July 2007. From Sep 87-93, while employed with the Naval Criminal Investigative Service, I was assigned to investigate narcotics violations.
4. In July 2007, I received specialized training from the U.S. Postal Inspection Service in the following two areas; Investigations involving the use of the U.S. Mails to transport controlled substances and proceeds from the sale of controlled substances; and investigations involving the use of Postal Money Orders and other negotiable instruments to launder the proceeds of controlled substances transactions.

1 5. Based upon my overall experience, specialized training and discussions with other Postal
2 Inspectors and narcotics agents, I know the following in summary:

- 3
4 a. Individuals who regularly handle controlled substances can leave the scent of controlled
5 substances on the currency and other items they handle. Proceeds from these sales are
6 often stored in close proximity to the controlled substances, thereby transferring the odor
7 of the controlled substance to the monies and packaging materials. Narcotic canines are
8 trained to alert on the scents of controlled substances. My experience has shown that
9 occasionally a canine will not immediately alert to the presence of contraband or
10 controlled substance. This may occur for a variety of reasons including the packaging
11 and additional efforts by the sender to mask the scent of a controlled substance. Often
12 the masking agent's scent weakens over time. As a result, a canine may not initially alert
13 to a package they may alert to after a reasonable passage of time.
14
15 b. The Postal Inspection Service and DEA Narcotic Task Force Commercial Interdiction
16 Team have worked aggressively to limit the use of shipping companies and the U.S. Mail
17 for the transportation of controlled substance through these companies.
18
19 c. Ongoing investigations have disclosed that Express (overnight) and Priority (two day)
20 parcel deliveries have become a method of choice by drug dealers for the transportation
21 of contraband or the proceeds of narcotic sales.
22
23 d. I know that Southern California is a source region for controlled substances being mailed
24 throughout the United States. The proceeds from these narcotic transactions are then
25 transported via the U.S. Mails and other communication facilities back to Southern
26 California, the source of the controlled substances.
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1 e. Drug dealers prefer the U.S. Mail, (but will sometimes utilize commercial shipping
2 companies), specifically Express Mail or Priority Mail, for the narcotic or narcotic
3 proceeds transportation for various reasons, some of which are listed below:

- 4 1. Items sent via Express Mail or Priority Mail are considered to be first-class mail,
5 therefore, cannot be examined without a Federal Search Warrant.
- 6 2. Express Mail is usually requested to be delivered by the next day's mail.
- 7 3. Priority Mail is usually requested to be delivered within two days of mailing.
- 8 4. Dispatch times for Express Mail are specific and are controllable by the
9 mailer/shipper.
- 10 5. Any delay to the mail is an indication to the mailer the mail items have been
11 possibly compromised by law enforcement agencies to obtain a search warrant.
- 12 6. While it is not always the case that a delay of Express Mail or Priority Mail is for
13 law enforcement purposes, those involved in illegal transactions have found that
14 the odds are against delays in deliveries of Express Mail or Priority Mail by
15 United States Postal Service.
- 16 7. Express Mail and Priority Mail may weigh up to 70 pounds and is desired for
17 large volume shipments.

18 f. Businesses are more likely to use Express Mail and Priority Mail than First-class Mail
19 in the course of normal business and will often use an Express Mail Corporate
20 Account Number for the billing of the mailed articles.

21 g. Criminals who are involved in trafficking of controlled substances and drug proceeds
22 will often receive multiple Express Mail articles within a short time period of each
23 other.
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- 1 h. Criminals who are involved in trafficking of controlled substances and drug proceeds
2 will often use multiple Post Office Boxes, Commercial Receiving Agencies,
3 addresses in foreign countries, and legitimate names and addresses of persons other
4 than their own, or occupants at the residence, in order to receive controlled substances
5 and/or proceeds/monetary instruments at their residence under names and residences
6 other than their own to avoid suspicion and in an effort to conceal their true identities
7 and place of residence.
8
- 9 i. I also know that drug orders containing currency, checks or money orders sometimes
10 do not contain the presence of controlled substances because persons involved in
11 shipping often utilize packing methods and sanitation procedures to conceal the odor
12 or controlled substances.
13
- 14 j. I also know from talking to U.S. Postal Service Supervisors and employees
15 responsible for handling the mail that Express Mail is insured for up to \$100 in case
16 of loss or damage. Insurance for Priority Mail may be purchased at an additional fee.
17 Customers are discouraged from sending U.S. currency via the U.S. Mails and are
18 encouraged to purchase negotiable instruments as a means to send currency by the
19 U.S. Postal Service.
20
- 21 6. The information in this affidavit is based upon information I have gained from my investigation,
22 my personal observations, my training and experience as well as information related to me by
23 other Postal Inspectors and law enforcement officers. Since this affidavit is being submitted for
24 the limited purpose of securing a search warrant, I have not included each and every fact known
25 to me concerning this investigation.
26
- 27 7. On February 11, 2008, during routine interdiction activities at the Midway Processing and
28 Distribution Facility (P&DF) in San Diego, California, Postal Inspectors became aware of two

1 suspicious parcels, one was an Express Mail parcel and the other a Priority Mail parcel. These
2 parcels are the subject of this affidavit and were retrieved for further investigation.

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4 8. The Postal Inspectors became suspicious of the Express Mail parcels for the following reasons:
5 the label was handwritten as opposed to typewritten; the telephone number on the Express Mail
6 parcel was disconnected; and database checks determined the sender's address, although valid,
7 was not associated with the sender's name, Victor Gonzales. Additionally, these parcels are
8 similar to parcels that contained marijuana which were recently seized by Postal Inspectors and
9 Drug Enforcement Administration Special Agents - all the parcels contained a return address of
10 East Shore Terrace in Chula Vista, CA.

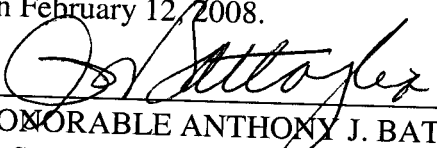
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12 9. On February 12, 2008, Postal Inspector Ana Flores met with Detective John McGill, San Diego
13 Police Department, and his trained narcotic detection canine, Jake. McGill and Jake conducted
14 an exterior inspection of the subject parcels. When Jake examined the parcels described above,
15 Detective McGill advised that Jake did alert to the presence of the odor of controlled substances
16 in both parcels. In January 31, 2008, Jake was certified by the California Narcotics Officers
17 Association as a trained detection canine for marijuana, methamphetamines, heroin, and cocaine.

18
19 10. Based on the facts set forth in this affidavit, I submit that there is probable cause to believe
20 controlled substances, notes and/or currency from the illegal sale and mailing of controlled
21 substances is being concealed in the subject parcels as described above and seek the issuance of
22 a search warrant directing the search of the article as described above and the seizure of the
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2 article, any controlled substances, currency, and/or materials and documents reflecting the
3 distribution of controlled substances, all in violation of Title 21, United States Code, Sections
4 841(a)(1), 843(b), and 846.
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8 Kim Kelly
9 Postal Inspector

10 Sworn to before me, and subscribed in my presence, on February 12, 2008.

11 
12 HONORABLE ANTHONY J. BATTAGLIA
13 U. S. Magistrate Judge
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